

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A. DREW )  
EDMONDSON, in his capacity as ATTORNEY )  
GENERAL OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TROBERT, in his )  
capacity as the TRUSTEE FOR NATURAL )  
RESOURCES FOR THE STATE OF )  
OKLAHOMA, )

Case No. 05-CV-329-TCK-SAJ

Plaintiff(s), )

vs. )

TYSON FOODS, INC., INC., TYSON POULTRY, )  
INC., TYSON CHICKEN, INC., COBB- )  
VANTRESS, INC., AVIAGEN, INC., CAL-MAINE )  
FOODS, INC., CAL-MAINE FARMS, INC., )  
CARGILL, INC., CARGILL TURKEY )  
PRODUCTION, LLC, GEORGE'S, INC., )  
GEORGE'S FARMS, INC., PETERSON FARMS, )  
INC., SIMMONS FOODS, INC., and WILLOW )  
BROOK FOODS, INC., )

Defendant(s). )

**ORDER**

The Court sets the following motions for hearing on July 18, 2006, beginning at 9:30 a.m.: Plaintiff's motion to sever, stay, strike or dismiss third-party complaints [Docket Nos. 247-1, 248-1, 252-1, 252-2, ], the Joinder in Motion by City of Watts [Docket No. 271-1], the Motion for Entry of Proposed Confidentiality Order [Docket No. 573-1], the First Motion to Compel Discovery [Docket No. 743-1], the Motion for an *in camera* review [Docket No. 826-1], the Opposed Motion for Establishment of Procedure for Entry of Case Management Order, and the Joinder in that motion. [Docket No. 425-2, 448-1]. The motion for an expedited hearing on the motion to compel discovery is granted. [Docket No. 826-1].

Defendant requests that the Court order Plaintiff to bring all responsive documents to Defendant's discovery requests to the Court hearing. Plaintiff's privilege log constitutes 53 pages and 279 listed "documents" described primarily as spreadsheets or charts, but also including .pdf files, field books, photographs, video, reports, and correspondence. At this time, Plaintiff is not ordered to bring all documents that are responsive to Defendant Cobb Vantress' discovery request to the hearing. However, Plaintiff should bring, for possible *in camera* review by the Court, a representative sample of the documents to which Plaintiff maintains the applicability of a privilege.

The Court establishes the following agenda for the July 18, 2006 hearing.

1. Motions to Sever, Stay, Strike, Dismiss third party claims and all motions joining in the motion. [Docket Nos. 247-1, 248-1, 252-1, 271-1].
2. Motion for Entry of Proposed Confidentiality Order [Docket No. 573-1].
3. First Motion to Compel Discovery and Motion for *In Camera* review [Docket No. 743-1, 826-1].
4. Status and scheduling conference [Docket No. 425-2, 448-1].

If any party wants to propose an addition or change to the agenda, that party should first contact the other parties in this action to determine if the proposed change is opposed. Any proposed changes to the agenda should be made by motion and should include a statement of objections of parties (or that no objection exists) on the face page of the motion.

With respect to the scheduling conference, the Court asks that the attorneys consider any issues unique to this case that should be addressed by the Court. In addition, the parties should consider

1. Lead Counsel or Steering Committees: Should "lead" counsel or contact counsel be established for "groups" of parties. The Court's preference is to establish, at a minimum, "contact" counsel – that is one or two attorneys for each "group" (Plaintiff, Defendants, non-party Poultry Growers, Third-Party Defendants) who can serve as the primary contact person for the Court when arranging hearings, telephone conferences, or other matters. That contact person would then have the responsibility of notifying all members within the contact person's group.
2. Scheduling: Is a full trial schedule, or an interim discovery schedule needed at this stage of the litigation? If an interim discovery schedule is to be entered, should discovery be broken into phases? Do fact and expert discovery need to be separated? Are the dates proposed by the parties in the Joint Status Report still agreed to by the parties? [Docket No. 372-1]
3. Settlement conference.
4. Any special case management issues?

Dated this 30th day of June 2006.

  
Sam A. Joyner  
United States Magistrate Judge